

REMARKS

In the non-final Office action mailed April 6, 2005, claims 1-8 were rejected. In addition, claims 9-20 were withdrawn from consideration based on a provisional election without traverse to prosecute claims 1-8. This election is now affirmed

The Rejection Of Claims 1-8 Under 35 USC 103

Claims 1-6 were rejected under 35 USC 103(a) as being unpatentable over CeWe in view of Yokomizo et al. Claims 7-8 were rejected under 35 USC 103(a) as being unpatentable over CeWe in view of Yokomizo et al., further in view of Kokusho.

Claim 1

The Office Action identifies the CD in CeWe to be the claimed "transportable transfer media". The Office Action further states that in CeWe the lab fulfills the order request by producing the image product and transports the image product back to the retail location for customer pickup. CeWe differs from amended claim 1 in that CeWe does not disclose an update media separate from the CD/transportable transport media (and the image product) that is transported to the retail location. This is also noted on page 6 of the Office Action, where it is indicated that the reference to CeWe "does not disclose producing an update media and sending the same to the retail station".

The reference to Yokomizo et al. was cited show the process of printing print orders from captured images that are developed by a lab, wherein there are three types of digitized images, one-high-resolution for printing of images, second-low-resolution for proxy-type images for monitor display, and third-thumbnail images to enable a user to quickly find and select images.

Applicants note that the reference to Yokomizo et al. does not correct the deficiencies of CeWe with respect to the claimed invention. More specifically, claim 1 requires the steps of transporting a transportable transfer media from a retail location to a service fulfillment location located remotely from the retail location; fulfilling the order request to produce an image product; producing an update media which is separate from the transportable transfer media and the image product; and transporting both the update media and the image product to the retail location. Thus, as required by claim 1, both the update media and the image product are transported back to the retail location. As

described on page 9 of the present specification, the update media can be delivered to the retailer, and preferably loaded onto an imaging device. In this manner, large amounts of data can be transferred between a retailer and service provider without an expensive connection. As further noted in the paragraph bridging pages 9 and 10 of the present application, update media may include information on pending orders or fulfilled orders. Update media can also include the latest promotions for delivery to the service provider 80 and/or updates for the operating software of the kiosk. As a further option, low or high resolution digital images can be returned to the retailer using the update media.

As noted above, claim 1 requires the combination of transporting the transfer media to a service fulfillment location, producing an update media, and returning the update media and an image product to the retail location. The reference to CeWe does not disclose the production and return of update media as noted in the Office Action. The reference to Yokomizo et al. does not correct the deficiencies of CeWe. The reference to Yokomizo et al. provides for an image processing method having a remote image processing station as well as an image editing system. With the system of Yokomizo et al., it is possible to process images through a network for the purpose of transmission, display, printing, etc. In Yokomizo et al., images are stored at several resolutions for the purpose of permitting the transfer of the images. There is no showing or suggestion in Yokomizo et al. of the specific combination of features as required by claim 1, including the concept of transporting a transfer media to a service fulfillment location, and transporting both an update media and an image product to a retail location in the manner required by claim 1.

Accordingly, CeWe and Yokomizo et al. are not believed to show or suggest the features of claim 1. Additionally, absent Applicants' disclosure, one having ordinary skill in the art would not have combined the references to CeWe and Yokomizo et al. to achieve the claimed invention. More specifically, the reference to CeWe does not suggest the update media as required by the claimed invention; while Yokomizo et al. does not show or suggest the combination of transporting a transfer media from a retail location to a service fulfillment location, and transporting an update media and an image product back to the retail location in the manner are required by claim 1. Therefore, absent

Applicants' disclosure, one having ordinary skill in the art would not have looked at Yokomizo et al. for this feature of the invention.

Claim 21

CeWe as well as the other cited art relied on does not disclose an update media separate from the CD/transportable transport media that is used at the retail location as in new claim 21.

Claim 22

New claim 22 calls for the update media to include an update for an operating software at the retail location, and adds the step of using the update media to update the operating software at the retail location. This is not disclosed in CeWe as well as the other cited art relied on.

Claim 3

Original claim 3 calls for generating a plurality of order requests each in association with a digital image accessed by the user at the imaging device, transferring the plurality of order requests to the transportable transfer media, and transferring the plurality of associated digital images to the transportable transfer media. In this connection, the Office Action sets forth the assumption that in CeWe it would be "inherent" that a plurality of customers would each download their individual image data from their separate memory cards to the same CD. However, this is in opposition to the disclosure in CeWe that each customer receives a CD back with the picture prints. Thus, in CeWe it is mandatory that only one customer would download his or her image data to the CD; there is no pooling of order requests on the same CD as in original claim 3.

Claim 4

Claim 4 calls for the update media to comprise an update of promotional information, and adds the step of transferring the update of promotional information from the update media to the imaging device. This is not disclosed or suggested in CeWe or the other cited art relied on.

Claim 6

Amended claim 6 calls for transporting the update media to a plurality of retail locations including the retail location at which the order request was generated. This feature is not shown or suggested in the applied references.

Claim 7

Claim 7 requires that the method further comprise the step of attaching an identifier to the transportable transfer media. As noted on page 8 of the Office Action, the reference to CeWe does not disclose the step of attaching an identifier to the transportable transfer media. The reference to Yokomizo et al. also does not show or suggest this feature. The reference to Kokusho which was cited to show the step of attaching an identifier to a transfer media is not believed to correct the deficiencies of CeWe and Yokomizo et al. with respect to the claimed invention. More specifically, claim 7 depends from claim 1 and sets forth an additional unique feature of the present invention that when taken in combination with claim 1, is not believed to be shown or suggested in CeWe, Yokomizo et al. and Kokusho, whether considered individually or in combination.

Claim 8

Claim 8 sets forth that the method further comprises the step of attaching an identifier to the update media. As noted above, both the references to CeWe and Yokomizo et al., are not believed to show or suggest the specific features of the update media as claimed, where the update media and the image product are returned to a retail location. The reference to Kokusho does not correct the deficiencies of CeWe and Yokomizo et al. with respect to the claimed invention. Therefore, CeWe, Yokomizo et al. and Kokusho, whether considered individually or in combination, would not show or suggest the features of claim 8, which depends from claim 1 and sets forth an additional unique feature of the invention.

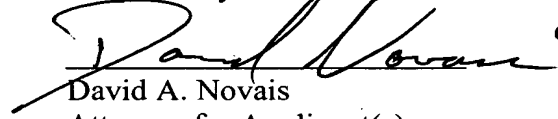
Claim 23

Claim 23 is the same as original claim 1 and requires an order processing method which comprises the steps of generating an order request for an image product using an imaging device located at a retail location, with the order request associated with at least one digital image accessed by a user at the image device; transferring the at least one digital image to a transportable transfer media; transporting the transportable transfer media from the retail location to a service fulfillment location located remotely from the retail location; fulfilling the order request to produce an image product; producing an update media; and transporting the update media and the image product to the retail location.

Accordingly, claim 23 as discussed above with respect to claim 1 requires a transfer media and the combination of producing an update media and transporting the update media and an image product to a retail location. As noted above, the reference to CeWe does not show or suggest the production of an update media for the purpose of transporting the update media and an image product to a retail location. The reference to Yokomizo et al does not correct the deficiencies of CeWe with respect to the claimed invention. More specifically, the reference to Yokomizo et al. discloses an image processing method wherein different resolution images are stored for the purposes of transferring the images through a network. However, the reference to Yokomizo et al. does not show or suggest the specific combination of steps required by claim 23, including the concept of creating a transfer media and producing an update media that is transported along with an image product back to a retail location. Therefore, absent Applicants' disclosure, one having ordinary skill in the art would not have looked at the reference to Yokomizo et al. to achieve the claimed invention. Additionally there is no suggestion in either reference for combining the references as proposed in the Office Action. Accordingly, claim 23 is believed to be allowable over the applied references.

In view of the foregoing comments, it is submitted that the inventions defined by each of the pending claims are patentable, and a favorable reconsideration of this application is therefore requested.

Respectfully submitted,



David A. Novais
Attorney for Applicant(s)
Registration No. 33,324

DAN/ld
Rochester, NY 14650
Telephone: 585-588-2727
Facsimile: 585-477-1148

If the Examiner is unable to reach the Applicant(s) Attorney at the telephone number provided, the Examiner is requested to communicate with Eastman Kodak Company Patent Operations at (585) 477-4656.